

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
SEPTEMBER 17, 2008
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on September 17, 2008, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Dr. Scott Decker
Detective Lee Ann Dobbartin
Mr. Joseph Duarte
Deputy Director Pennie Gillette-Stroud, representing Director Roger Vanderpool
Chief Jack Harris
Chief Patricia Huntsman
Ms. Wendy Larsen
Deputy Director Markley, representing Director Dora Schriro
Chief Jerry Sheridan
Sergeant Robert Thompson
Sheriff Chris Vasquez

Members Absent:

Attorney General Terry Goddard

Staff in Attendance:

Curt Milam
Marie Dryer
Bob Forry
Matt Griffis
Tom Hammarstrom
Steve Jacobs
Lori Ketron
Gary Maschner
Lyle Mann
Paul Orfe
Sandy Sierra
Rick Watling

Assistant Attorneys General
Nancy Beck
Diana Stabler

Solicitor General
Carrie Brennan

A. CALL TO ORDER

Chairman Butler called the meeting to order at 10:00 a.m.

B. LEGAL ADVICE

The Board voted to go into executive session at 10:02 a.m. for legal advice from its attorneys regarding the POST adjudicative process. The open meeting reconvened at 10:51 a.m.

C. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Chief Harris, seconded by Chief Sheridan.

1. Minutes of the Regular Board meeting, held on July 16, 2008, were approved as written.
2. Minutes of the Charging Board meeting, held on August 20, 2008, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, October 15, 2008, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, November 19, 2008, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO AGENDA PACKET.
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.

5. Decertification Case Status Report - As of July 31, 2008, the Compliance and Standards Unit had a caseload of 118 active cases. Nine cases are ready for initial presentation; fifty-three cases need further investigation; ten cases are pending service of or response to a Notice of Complaint or Decision; one case is pending a hearing; zero cases are ready for final action, and forty-two cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
6. Income and Expense Statement – July 2008

Funds as of July 1, 2008	\$ 1,014,558.15
CJEF Revenue	769,464.32
Expenditures/Encumbrances	(848,771.60)
Balance for July 31, 2008	\$ 935,250.87

D. REGULAR AGENDA

1. Review of the 2008 COTA 360-Hour Basic Correctional Officer Curriculum Proposal

Deputy Director Markley recused herself from this agenda item.

Rick Watling presented the Correctional Officer Training Academy (COTA) proposed 2008 revision of the COTA 360 hour Basic Correctional Officer Curriculum as required by AZ POST Rule R13-4-205 to the Board for its approval.

Chief Sheridan made to motion to approve the August 2008 Revision of the COTA 360 Hour Basic Correctional Officer Curriculum as presented by COTA for instruction in the Basic Correctional Officer Training Academy, seconded by Chief Huntsman, motion carried unanimously.

2. Training Audit Deficiencies for the BIA Hopi Law Enforcement Agency
Under Arizona Administrative Code, R13-4-109.01- Restriction of Certified Peace Officer Status: Training or Qualification Deficiencies, "The Board shall restrict certified status if a peace officer fails to satisfy the requirements of R13-4-111. The restriction shall remain in effect until the training or qualification requirement is met and written verification is provided to the Board.

The BIA Hopi Law Enforcement Agency has one officer deficient in firearms training. As such, the Board should restrict certification until the deficiency has been taken care of.

Chief Huntsman moved to restrict the peace officer certification of Loren Lomayaktewas. Mr. Lomayaktewas is prohibited from engaging in enforcement duties, carrying a firearm, wearing or displaying a badge, wearing a uniform, making arrests, performing patrol functions, or operating a marked police vehicle. These restrictions shall remain in effect until the Board's staff has received written verification that the continuing training requirements have been met, seconded by Chief Harris, motion carried unanimously.

3. Training Audit Deficiencies for the Navajo Division of Public Safety
The Navajo Division of Public Safety has two officers deficient in training. As such, the Board should restrict certification until the deficiency has been taken care of.

Chief Huntsman moved to restrict the peace officer certification of Fay Billie. Mr. Billie is prohibited from engaging in enforcement duties, carrying a firearm, wearing or displaying a badge, wearing a uniform, making arrests, performing patrol functions, or operating a marked police vehicle. These restrictions shall remain in effect until the Board's staff has received written verification that the continuing training, proficiency training and judgmental shoot requirements have been met, seconded by Dr. Decker, motion carried unanimously.

Chief Sheridan moved to restrict the peace officer certification of Bennie Jim. Mr. Jim is prohibited from engaging in enforcement duties, carrying a firearm, wearing or displaying a badge, wearing a uniform, making arrests, performing patrol functions, or operating a marked police vehicle. These restrictions shall remain in effect until the Board's staff has received written verification that the proficiency training requirement has been met, seconded by Ms. Larsen, motion carried unanimously.

E. LEGISLATIVE UPDATE

There is nothing new to report at this time.

F. SUMMARY OF CURRENT EVENTS

Director Hammarstrom informed the Board that a quality of service survey will be mailed out to all agency heads in the very near future.

POST will be entering into Intergovernmental Agreements with those agencies that have driver's tracks. POST will provide funding for the maintenance and repair of those existing tracks.

G. COMMITTEE UPDATE

Director Hammarstrom informed the Board that the Rules Committee will be meeting next week in Laughlin.

H. REPORTS

1. Basic Training

ALEA – Lt. Kelly reported they currently have five classes with 201 recruits. One class will graduate September 26 and a new class will start October 6. They will also have a Phoenix only class which will start on October 27, 2008.

COTA – Angelo Daniels reported they recently graduated 94 cadets. They currently have five classes with 121 recruits. They have 239 vacancies statewide.

Mesa P.D. Academy – Bob Gervasi reported they currently have a class with 32 recruits. Another class will start in January 2009 with approximately 70-75 recruits.

SALETC – Lt. Kevin Lane reported they currently have a class with 23 recruits. Another class will start on October 12, 2008.

3. Department of Corrections – Deputy Director Markley stated they currently have a 3-4% vacancy rate. They now have a retention officer to determine the causes of why officers are leaving; this has contributed to their low vacancy rate.

I. FINAL ACTION CASES:

Case #1 – Gary D. Lindenmier – Buckeye Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to grant the Motion to Dismiss, seconded by Chief Huntsman, motion carried unanimously.

Case #2 – Timothy R. Weddell – Tempe Police Department

Mr. Duarte recused himself from this case. The Board considered comments from Assistant A. G. Nancy Beck. Deputy Director Gillette-Stroud made a motion to adopt the ALJ Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sheriff Vasquez, motion carried unanimously.

Case #3 – Bill F. Dickenson III – Phoenix Police Department

Chief Harris recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #4 – Nicholas P. Rice – Yuma County Sheriff's Office

The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Consent Agreement Order and Decision that restricts peace officer certification until such time as Mr. Rice takes and passes with a score of 70% or higher the POST Comprehensive Final Examination that covers any performance objectives touching upon the areas of law and practice regarding search and seizure; effective on the date the order is signed by the POST executive director, seconded by Ms. Larsen, motion carried with three nay votes.

Case #5 – Bradley C. Donahue – Avondale Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Harris, motion carried unanimously.

Case #6 – Carl R. Downs – Holbrook Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Harris made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Sheridan, motion carried unanimously.

Case #7 – Jesus Paez – Phoenix Police Department

Chief Harris recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Deputy Director Gillette-Stroud made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sheriff Vasquez, motion carried unanimously.

Case #8 – Warren K. Rivers – Sahuarita Police Department

Detective Dobbartin recused herself from this case. The Board considered comments from Assistant A. G. Diana Stabler and Warren Rivers. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Harris, motion carried unanimously.

J. NEW CHARGING CASES:Case #1 – William R. Anderson – Phoenix Police Department

Chief Harris recused himself from this case. Deputy Director Gillette-Stroud made a motion to **Initiate Proceedings**, seconded by Sheriff Vasquez. Deputy Director Gillette-Stroud amended the previous motion to **Research Further**, seconded by Chief Sheridan, motion carried unanimously.

Case #2 – Gabriel V. Ballesteros – Phoenix Police Department

Chief Harris recused himself from this case. Chief Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Ms. Larsen, motion carried unanimously.

Case #3 – Michael L. Garrett – Globe Police Department

Chief Sheridan made a motion to close this case with **No Action**, seconded by Sgt. Thompson, motion failed. Deputy Director Gillette-Stroud made a motion to **Initiate Proceedings** and instructed staff to negotiate a consent agreement on this case that would defray employment eligibility for six months starting with today's date, seconded by Ms. Larsen, motion passed with two nay votes.

Case #4 – Kendall R. Harper – Colorado River Indian Tribe Police Department

Chief Sheridan made a motion to close this case with **No Action**, seconded by Dr. Decker, motion carried with one nay vote.

Case #5 – Frederick T. Howard – Phoenix Police Department

Chief Harris recused himself from this case. Sheriff Vasquez made a motion to **Initiate Proceedings**, seconded by Detective Dobbertin. Sheriff Vasquez amended the previous motion to **No Action with Agency Discretion**, seconded by Mr. Duarte, motion carried with one nay vote.

Case #6 – Angelina D. Johnson – San Carlos Police Department

Chief Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Harris, motion carried unanimously.

Case #7 – Anthony Phillips – San Carlos Police Department

Chief Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Harris, motion carried unanimously.

Case #8 – Marc J. Lozano – AZ Department of Public Safety

Deputy Director Gillette-Stroud recused herself from this case. Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Chief Harris, motion carried unanimously.

Case #9 – Nickie F. Meyer – Coconino County Sheriff's Office

Chief Harris made a motion to **Initiate Proceedings**, seconded by Ms. Larsen, motion carried unanimously.

Case #10 – William E. Porter – Buckeye Police Department

Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Sheridan, motion carried unanimously.

Case #11 – Joseph A. Sanchez – Tempe Police Department

Chief Sheridan made a motion to **Initiate Proceedings**, substituting 13-2904(A)(1), disorderly conduct/fighting for the alleged assault as one of the rule 7 "to wits", seconded by Sheriff Vasquez, motion carried unanimously.

Case #12 – Casey A. Stutz III – AZ Department of Public Safety

Deputy Director Gillette-Stroud recused herself from this case. Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Ms. Larsen, motion carried unanimously.

Case #13 – Jonathan S. Talakte – AZ Department of Public Safety

Deputy Director Gillette-Stroud recused herself from this case. Mr. Duarte made a motion to **Initiate Proceedings**, seconded by Sheriff Vasquez, motion carried unanimously.

Case #14 – Danitza Torres – Phoenix Police Department

Chief Harris recused himself from this case. Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Ms. Larsen, motion carried unanimously.

Case #15 – Garrick D. Ward – Phoenix Police Department

Chief Harris recused himself from this case. Chief Sheridan made a motion to close this case with **No Action**, seconded by Detective Dobbertin, motion carried with three nay votes.

K. CALL TO THE PUBLIC

No one wished to address the Board during the call to the public.

L. ADJOURN

Chairman Butler adjourned the meeting at 12:56 p.m.